

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GENERAL ELECTRIC CAPITAL
CORPORATION, a Delaware corporation,**

Plaintiff,

v.

**METRO PRINTING & PUBLISHING, INC.,
d/b/a RECORD PRINT AND PUBLISHING,
an Illinois corporation,**

Defendant.

Case No. 11-cv-454-DRH

ORDER

HERNDON, Chief Judge:

On March 6, 2012, the Court entered an order granting in part in denying in part plaintiff General Electric Capital Corporation's motion for summary judgment (Doc. 15) against defendant Metro Printing and Publishing, Inc., doing business as Record Print and Publishing. More specifically, the Court entered summary judgment in favor of plaintiff on the issue of liability, but ordered the parties to file supplemental briefing as to the amount of damages by March 16, 2012.

On March 16, 2012, plaintiff filed a supplemental affidavit explaining how it came to calculate the amount of damages it incurred. Defendant, however, failed to file anything with the Court. Accordingly, defendant's failure to file is considered an admission by defendant that the amount of damages claimed by

plaintiff is correct. See SDIL-LR 7.1(c)(2) ("Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."). Therefore, the Court orders that judgment be entered in favor of plaintiff in the principal amount of \$183,951.35, plus accrued interest from April 25, 2011, to August 19, 2011, in the amount of \$10,409.93, plus accrued interest from August 19, 2011 to April 3, 2012, in the amount of \$20,774.88¹, plus attorneys' fees and expenses in the amount of \$10,186.75, for a total judgment amount of \$225,322.91. The Clerk is ordered to enter judgment in favor of plaintiff and against defendant in the amount of \$225,322.91. The case is closed.

IT IS SO ORDERED.

Signed this 3rd day of April, 2012.

  David R. Herndon
2012.04.03
12:18:29 -05'00'
Chief Judge
United States District Court

¹The Court multiplied 229 days (the number of days between August 19, 2012, and April 3, 2012, including the end date) by \$90.72.